



STATE OF NEW JERSEY

In the Matter of Vrunda Patil- Kulkarni, Department of Transportation	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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CSC Docket No. 2019-1419	:	
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	:	Classification Appeal
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ISSUED: JUNE 14, 2019 (JET)

Vrunda Patil-Kulkarni,¹ represented by Dudley Burdge, Senior Staff Representative, CWA Local 1032, appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Transportation is Software Development Specialist 1. The appellant seeks a Software Development Specialist 2 classification.

The record in the present matter establishes that at the time the appellant filed her request for a classification review, she was serving as a Software Development Specialist 1 (SDS1) with the Office of Information Technology (OIT). The appellant sought a reclassification contending that her position would be more appropriately classified as a Software Development Specialist 2 (SDS2). The appellant’s position was located in the Application Development Division, OIT, and she reported to Steve Cheetham, Project Manager, Data Processing. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) dated July 24, 2017, detailing the different duties that she performed. Agency Services reviewed all documentation supplied by the appellant. Based on its review of the information provided, including an organizational chart and a telephone interview with the appellant, Agency Services initially concluded on February 15, 2018 that the proper classification of the appellant’s position was SDS2.

At the time the classification review was being conducted, the appellant received an in-title transfer from OIT to the Department of Transportation (DOT).

¹ The appellant resigned in good standing from State service, effective January 18, 2019.

Subsequently, DOT submitted a new PCQ dated June 12, 2018 which indicated that the appellant's duties were consistent with those performed by a SDS1. As such, Agency Services determined in an October 30, 2018 classification determination that the appropriate classification of the appellant's position was SDS1.

On appeal, the appellant asserts, among other things, that she filed for a classification review of her position in July 2017 while she was still working for OIT. The appellant explains that she continued to perform the same duties at the time of her transfer to DOT. She states that her assigned duties included supporting the position application tracking system 100% of the time, working on programming language and the Java – J2EE based application, and three-layer architecture including front end, database and business logic on the back end. She adds that such duties are of moderate to high level complexity which she stated during her telephone interview in August 2018. Further, the appellant states that she worked under minimal supervision, and she understood, analyzed, programmed, and maintained her assigned application. The appellant contends that she directly interacted with users including DOT managers at the time her supervisors were supporting project tracking management. She adds that she possesses a Master's degree in Computer Science from the New Jersey Institute of Technology. Moreover, the appellant states that the SDS2 position does not require her to work on multiple projects or perform lead worker duties.

Additionally, the appellant asserts that the PCQ that she submitted with her initial classification request should be reviewed again, as her immediate supervisors agreed with the duties she was performing. The appellant explains that the PCQ indicates that she was performing a moderate to high level of complex programming work. The appellant adds that her immediate supervisor and the Division Director indicated that the appellant was performing work under general supervision rather than close supervision. As such, the appellant maintains that she was independently performing her duties. Further, the appellant states that her immediate supervisor possesses a degree in engineering, and as such, her supervisor cannot provide the technical assistance that is required for close supervision. The appellant contends that, although the appointing authority disagrees with the duties listed in the subsequent PCQ that was submitted, it cannot accurately make such statements as it is unfamiliar with her duties. The appellant adds that her supervisor indicated that, with respect to the performance of such work, that "Java programming experience is at a college level." Moreover, the appellant admits that her supervisor indicated in the PCQ that she "Work[s] with another programmer to code a single application. No other responsibilities. This is consistent with an entry level programmer." However, the definitions in the job specifications for SDS1 and SDS2 do not indicate any specific number of applications which must be assigned. In this regard, the appellant contends that there are "hundreds of workers" serving in the aforementioned titles who only work on a single application. The appellant adds that her immediate supervisor's

comments on the PCQ shows that she has a lack of understanding of the job specifications for the titles. In this regard, the appellant's immediate supervisor indicated that lead worker duties are required for the SDS2 title, which is incorrect as the word "may" is used in the job specification for the title. The appellant states that the February 18, 2018 classification determination indicated that the appellant worked under limited supervision, and that her duties were complex in nature. However, Agency Services changed the February 18, 2018 classification determination without providing any explanation in the October 30, 2018 classification determination. Moreover, the appellant asserts that the only difference between the SDS1 and SDS2 titles are the type of supervision received, the complexity of the work, and that such work is independently performed.

CONCLUSION

The definition section of the job specification for SDS2 states:

Under limited supervision, performs analysis, consulting, design, programming, maintenance, and/or support work on software for State or Local government Information Technology Services; participates in the resolution of complex problems through consultation with higher-level technical staff; may coordinate projects and serve as a technical mentor/coach to lower level staff; does other related duties.

The definition section of the job specification for SDS1 states:

Under close supervision and monitoring, performs analysis, maintenance, programming and support work on modules of existing systems; does other related work.

In the instant matter, Agency Services initially issued the February 18, 2018 classification determination indicating that the appellant's duties were consistent with those performed by a SDS2. However, DOT subsequently submitted a PCQ dated June 12, 2018 to Agency Services indicating that the appellant was not performing the duties of a SDS2, but rather, her duties were consistent with those performed by a SDS1. As a result, it issued a corrected classification determination on October 30, 2018 which found that the proper classification of the appellant's position was SDS1.

The appellant did not provide any substantive information or documentation that would change the outcome of the October 30, 2018 classification determination. A review of the record reveals that the classification determination was based on a review of all of the appellant's duties and responsibilities listed in the June 12, 2018 PCQ. Over 50% of the duties listed on the June 12, 2018 PCQ (90%) included

position action tracking; documenting and coordinating with OIT; supporting production issues; completing reviews and providing updates; assisting with migration of data; performing tests; and checking for security breaches. Incumbents in the SDS2 title perform, under limited supervision, analysis, consulting, design, programming, maintenance, and/or support work on software for Information Technology Services; participate in the resolution of complex problems through consultation with higher-level technical staff; may coordinate projects and serve as a technical mentor/coach to lower level staff, and perform related duties. The majority of duties listed in the June 12, 2018 PCQ are not consistent with such duties.

Additionally, the June 12, 2018 PCQ indicates that the appellant's supervisors disagreed that the appropriate classification of her position was SDS2. Although recommendations from the appellant's superiors are not determinative for a classification review, such information can be used as pieces of information in evaluating the classification of the appellant's position. *See In the Matter of Jose Quintela* (CSC, decided June 21, 2017). In this regard, her supervisor indicated that her most important duties were listening to the client and writing down changes and implementing the code changes. The supervisor also indicated that the appellant works with another programmer to code a single application, which is consistent with an entry level programmer, and the appellant was not performing any lead worker duties. With respect to the appellant's contention that her supervisor does not have enough experience to be her direct supervisor, she has not provided any substantive evidence in support of her claims. Additionally, the appellant did not demonstrate that she is working independently, taking initiatives, and making judgments in the planning and execution of her assignments.

With respect to the appellant's arguments that she was performing the same duties at OIT that she is now performing at DOT, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. Even if the appellant was previously performing the duties of a SDS2, both Agency Services and the Commission have determined that the appropriate classification of her title, based on the most recent review, is SDS1.

Although the appellant argues that the job specification for SDS2 does not require lead worker duties, such information does not establish her contentions in this matter. The fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not

determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. In this regard, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. With regard to the appellant's arguments pertaining to the examples of work in the job specifications, she did not provide any specific examples in support of her claims. Regardless, the examples of work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

Additionally, the record indicates that all of her duties and responsibilities were once again reviewed and the October 30, 2018 classification determination was based on that information. The purpose of a classification evaluation is to conduct a fact-finding session and the classification reviewer's role is strictly limited to an independent review of the current duties and responsibilities of the position at issue. Moreover, the appellant has not established that Agency Services' methodology in this matter was improper or led to an incorrect result.

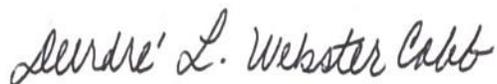
Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as a SDS1.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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